

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ROCKY DIESEL, <i>pro se</i> ,)	CASE NO. 1:23-cv-00120
)	
Plaintiff,)	
)	
v.)	JUDGE DAVID A. RUIZ
)	
COMMERCIAL CREDIT GROUP, INC. <i>et</i>)	
<i>al.</i> ,)	
)	MEMORANDUM OPINION & ORDER
Defendants.)	

Before the Court is a motion for consolidation and stay pursuant to Fed. R. Civ. P. 42(a) filed by *pro se* plaintiff Rocky Diesel (“Plaintiff”). (R. 15). Plaintiff seeks to consolidate this matter with two state court cases—one pending in an Ohio state court and the other in a North Carolina state court.

Fed. R. Civ. P. 42(a) provides that the Court may consolidate “actions *before the court* [that] involve a common question of law or fact” Fed. R. Civ. P. 42(a) (emphasis added). The two state court actions referenced by Plaintiff are not “before this Court,” and therefore the Court lacks authority to consolidate those state court cases with this one. *See, e.g., Harden v Rheem Mfg Co.*, 2011 U.S. Dist. LEXIS 107268, at *1 (N.D. Ohio, Sep. 22, 2011) (Lioi, J.) (*citing Zhu v. Countrywide Realty Co., Inc.*, 160 F. Supp. 2d 1210 (D. Kan. 2001) (finding Rule 42(a) does not provide for the consolidation of state court cases with federal district court cases)). Accordingly, Plaintiff’s motion to consolidate and stay (R. 15) is hereby DENIED.

IT IS SO ORDERED.

Dated: March 1, 2023

s/ *David A. Ruiz*
David A. Ruiz
United States District Judge